

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WILLIAM DINGLE,
Plaintiff,
v.
GREGORY C. TESLUK, et al.,
Defendants.

No. 2:20-cv-1878 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. In an order filed November 5, 2020, this court screened plaintiff's complaint. (ECF No. 7.) This court found plaintiff stated no cognizable claims for relief under § 1983. This court dismissed the complaint with leave to amend. Plaintiff was provided instructions for stating claims and given sixty days to file a first amended complaint. Plaintiff was warned that if he failed to file a timely first amended complaint, this court might recommend this action be dismissed.

Sixty days have passed and plaintiff has not filed a first amended complaint or otherwise responded to the court's November 5 order.

Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district judge to this case; and

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1 IT IS RECOMMENDED that this action be dismissed for plaintiff's failure to comply
2 with court orders. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

3 These findings and recommendations will be submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
5 being served with these findings and recommendations, plaintiff may file written objections with
6 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
7 Recommendations." Plaintiff is advised that failure to file objections within the specified time
8 may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d
9 1153 (9th Cir. 1991).

10 Dated: January 26, 2021

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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